

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-26 and 40-47 are pending in the application, with claims 1, 18, 21, 23, 25 and 47 being the independent claims. Claims 1, 4-7, 12-16, 18, 21, 23, 25 and 47 are sought to be amended. Support for the amendments to these claims appears, *inter alia*, in Figures 33-40 and at paragraphs [0235]-[0236] and [0241]-[0248] of the published application (U.S. Patent Appl. Publ. No. 2005/0015085). Claims 27-39 have been cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Examiner Interview of January 6, 2011

Applicants thank Examiner Aaron Roane for the courtesy of a telephone interview held with Applicants' representative, Anbar F. Khal, on January 6, 2011, regarding the present application. During that interview, Applicants' representative pointed out differences between the invention and the applied references, particularly U.S. Patent No. 5,873,855 to Eggers. Possible claim amendments for overcoming the claim rejections under 35 U.S.C. § 103 and distinguishing over other art of record were discussed. The above amendment and following remarks incorporate the suggestions discussed with the Examiner during the interview to overcome the claim rejections.

Entry of the above amendments and allowance of the present application are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-26, 40-45 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,149,620 to Baker et al. ("Baker") in view of U.S. Patent No. 5,873,855 to Eggers et al. ("Eggers"). Each of independent claims 1, 18, 21, 23, 25 and 47 recite an electrode that has an electrically conductive cone-shaped portion "having a circular portion which narrows towards the distal end of the device along an electrically conductive cone shaped surface."

The Examiner admits that Baker fails to disclose an electrode having an electrically conductive cone-shaped portion, but asserts that Figure 6 and accompanying text of Eggers discloses an electrode having an electrically conductive cone-shaped portion. *See* Office Action, pages 3 and 11. Figure 6 of Eggers shows an insulating matrix 142 that tapers to form a conical distal surface 140 from which extends an electrode array 144, with each electrode terminal 146 of the array 144 arranged to protrude axially from the conical surface 140. The Examiner asserts that this "array of electrodes having a conical shape is interpreted broadly by the examiner as meeting the presently claimed electrode having a cone shaped surface." Office Action, pages 11-12.

Applicants respectfully disagree. However, to expedite prosecution, the independent claims have been amended to clarify that the electrode is provided by a

single metal contact element. In particular, independent claims 1, 18, 21, 23 and 25 have been amended to recite an electrode tip comprising "a single metal contact element providing an electrode." Independent claim 47 has been amended to recite "a single metal contact element providing an electrode." None of the cited references disclose a single metal contact element providing an electrode having an electrically conductive cone-shaped portion, as provided in independent claims 1, 18, 21, 23, 25 and 47. In Eggers, a plurality of electrode terminals 146 that constitute the electrode array 144 individually protrude from insulative conical surface 140. *See* Figure 6 of Eggers. Consequently, the plurality of electrode terminals 146 of Eggers, which may provide an electrode, do not constitute a single metal contact element that provides an electrode and has an electrically conductive cone shaped portion, as claimed.

Moreover, claims 1 and 18 have been amended to provide, *inter alia*, at least one fluid outlet opening defined by the distal end of the shaft and a portion of the electrode adjacent the distal end of shaft. Baker and Eggers, alone or in combination, do not disclose a single metal contact element providing an electrode in which a fluid outlet opening is defined by the distal end of the shaft and a portion of the electrode adjacent the distal end of shaft. Claims 21, 23, 25 and 47 have been amended to provide that, *inter alia*, the device includes at least one recess formed in an exterior surface of the electrode in fluid communication with at least one fluid outlet opening and providing an elongated fluid flow channel. Baker and Eggers, alone or in combination, do not disclose a single metal contact element providing an electrode in which a recess is formed in an exterior surface of the electrode and provides an elongated fluid flow channel.

For at least the foregoing reasons, amended claims 1, 18, 21, 23, 25 and 47, and the remaining claims that depend therefrom, are patentable over the cited references. Applicants therefore respectfully request these rejections be reconsidered and withdrawn.

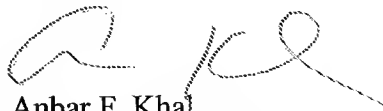
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: Jan. 11, 2011

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